

REMARKS/ARGUMENTS

The courtesy of the review of the proposed amendment to claim 4 and the telephone interview conducted thereon on Wednesday, October 27, 2004, is acknowledged with appreciation on behalf of the Applicants and their attorney. During the interview Applicants' attorney submitted that the amendments to claim 4 avoided the references relied on by the Examiner in the present outstanding Office Action placing this Application under FINAL REJECTION because of the new structural limitations in the proposed claims not shown or suggested by the references, all as more fully set forth below. During the telephone interview the Examiner agreed that, if claim 4 were amended in accordance with the proposed amended claim 4 as now presented and augmented with respect to the releasable affixation of the collar protector to the collar button associated with the collar, the Application would be further considered regarding the FINAL REJECTION and the allowance of claim 4.

In the Interview Summary Form by the Examiner mailed October 29, 2004, the Examiner, in regard to the substance of the interview, stated as follows:

--Applicant's representative contacted the Examiner to discuss proposed changes to claim 4. It was agreed that in order to define over Steele, the inner and outer ends of the side sections and holding members will be more specifically claimed, since the side sections of Steele are formed of a single, elongated element 6 rather than two separate elements which each have an inner end. It was agreed that the attachment assembly will be more specifically claimed so as to recite that the attachment assembly releasably affixes to the collar button, rather than merely engaging the button, so as to define over Teague. In Teague, the

button is contacted by the attachment assembly, but the attachment assembly attaches over the neckband rather than directly to the button.-- (underlining added to confirm the above statements by Applicants' attorney)

The present amendment under Rule 1.116 is responsive to the said outstanding Office Action and is submitted based on the said interview because it is thought to place the present application in condition for allowance.

Claims 11 and 33 are withdrawn.

Claims have been amended or cancelled to overcome the objections under 35 U.S.C. § 112 raised by the Examiner. Accordingly, the Examiner is respectfully requested to withdraw this objection to the elected claims remaining in the present application.

Of the claims now remaining in the present application, claims 4, 23 and 43 as amended are the only independent elected claims remaining in the present application. Claim 57 and the claims dependent thereon was cancelled in view of the amended claims as now presented to avoid a rejection based on multiplicity of the claimed subject matter and to place the present application in condition for allowance. The structural limitations embodied in claim 4 and approved by the Examiner have also been embodied in independent claims 23 and 45. Claims 5, 6, 12, 13, 27, 28, 34, 35, 45 and 46 indicated as allowable in the said outstanding Office Action have not been rewritten in independent form because they are now dependent on one of said independent claims 4, 23 and 43 as amended, now believed to be allowable, and are therefore thought to also remain allowable without the necessity of rewriting them in independent form. All of the other remaining elected claims are also dependent directly or indirectly on one of the independent

claims 4, 23 or 43 and are therefore also thought to be allowable.

The rejection of independent claims 4, 23 and 43 as set forth in the said present outstanding Office Action will be treated as if they were applied against these claims 4, 23 and 43 as now amended.

Thus, claims 4, 23 and 43 as amended and the claims dependent thereon as amended have been rejected as anticipated under 35 U.S.C. §102(b) by at least one of the following cited patents; namely, U.S. Patent No. 2,155,065 to Steele and U.S. Patent No. 3,107,830 to Teague.

It is the Applicants' position, as stated during the said telephone interview with the Examiner, that all of the independent claims 4, 23 and 43 as now amended are not anticipated by either of these cited patents because the overall subject matter as now claimed in each of these independent claims as amended provides structural elements and an operative interrelation of these structural elements not shown or suggested in either of these cited patents taken alone or in combination with each other.

Thus, in claim 4 the Examiner will find the following structural and operatively related elements and limitations:

a. said body having a relatively wide center section,

b. said center section having an attachment assembly which is releasably affixed to the collar button,

c. relatively wide and spaced side sections having an inner end and an outer end each respectively connected at the inner end to the center section and disposed to extend in opposite directions from the center section so that each respective outer end forms a free end,

d. each of the respective side sections having a resilient holding member in the medial section of the associated one of the side sections,

e. each resilient holding member is an elongated strip having a strip inner end and a strip outer end and connected at its strip inner end with and extending in the same direction from the connected inner end of its associated one of said side sections, and

f. the strip outer end of each said holding member forming a free end remote from its said connected strip inner end to enable the respective side sections to extend in opposite directions so that the outer end of the respective side sections is in engagement with the inner face of the collar and to enable each respective holding member in assembled position to extend to opposite sides of the center section to engage the outer face of the collar on the said garment and to hold and protect the collar.

Claim 23 covers the combination of a garment having a collar with a collar protector having the same structural and operatively related elements as above set forth for claim 4.

Similarly, claim 43, a three-dimensional collar protector "per se", is claimed having the same structural and operatively related elements as above set forth for claim 4.

Referring now to the said patents cited and relied on by the Examiner in support of the rejection of these independent claims, as amended.

Pat '065 does not disclose a collar protector. It discloses a collar support which is operatively associated with the neckband of the shirt as distinguished from the collar which is the folded over, visible section, connected to the neck band of the shirt. The collar support, as stated in column 1, lines 10 to 15, acts to support and reinforce the collar by means embracing either or both faces of the neckband of the collar and

having means for holding the device in place by engagement with either or both the button and/or buttonhole of the neckband. Pat '065 does not have oppositely extending side sections connected at their inner end to the center section so that their outer ends form a free end, a medially disposed holding member in each of the respective side sections connected at their inner ends to the center section at the same point as the associated one of the side sections and having an outer end forming a free end so that the respective side section can engage the inner face of the collar and each respective holding member can engage the outer face of the collar as distinguished from the neckband of the shirt.

Accordingly, claims 4, 23 and 43, as amended, are thought to be clearly distinguishable from Pat '065, and these claims are therefore not anticipated by Pat '065.

Pat '830 discloses a collar protector for a laundered shirt. It does not disclose a collar protector which is adapted for other uses, such as dress wear. Thus, the disclosed collar protector in Pat '830 does not have any central attaching section with means for releasably affixing the collar protector to a collar button associated with the conventional collar on a garment. In addition Pat '830 does not show or suggest the oppositely extending side section connected at their inner end to the center section so that their outer ends form a free end with a medially disposed holding member in each of the respective side sections having their inner ends connected to the center section at the same point as the associated one of the side sections and having an outer end forming a free end so that the side section can engage the inner face of the collar and the holding members can engage the outer face of the collar to hold and protect the collar all operatively associated with the affixed of the collar protector to the collar button associated with the collar.

Accordingly, claims 4, 23 and 43, as amended, are thought to be clearly distinguishable from Pat '830, and these claims are therefore not anticipated by this patent.

These independent claims as amended have been particularly noted because if these claims as amended are now allowable, then the claims dependent thereon are also allowable because they not only contain the same limitations but also additional structural and operatively related elements which further distinguish them from the patents cited and relied on by the Examiner to support the grounds for FINALLY REJECTING these independent claims as amended.

Claims 3, 10, 25, 32, 43, 44, 47 and 48 were rejected under 35 U.S.C. § 103(a) as obvious and hence unpatentable based on Pat '065 to Steele in view of U.S. Patent No, 2,147,519 to *Brownfield*.

Of these claims, claims 3 and 10 as now amended are dependent on independent claim 4, as now amended. Claims 25 and 32 are dependent on independent claim 23 as amended. Claim 43 is also an independent claim which has been amended, and claims 44, 47 and 48 are dependent on claim 43 as amended.

Accordingly, this ground for rejecting these claims as originally presented will be applied against these claims as now amended.

It is submitted that the independent claims 4 and 43, as now amended, have been distinguished from Pat '085 to Steele, the primary reference cited and relied on by the Examiner, for the reasons set forth above. The Examiner has cited Pat '519 to *Brownfield* as a secondary reference to support the position that the collar protector disclosed in Pat '519 could be made of a plastic material not to otherwise change the structural elements of Pat '519 or their operative interrelation. Therefore, it is submitted that the Applicants' subject matter as claimed in claims 4 and 43, as amended, is still clearly distinguishable

because this combination of references fails to disclose a collar protector as claimed in the Applicants' independent claims 4 and 43, as now amended, for all of the same reasons as set forth above.

These independent claims 4 and 43, as amended, and the claims 3, 10, 23, 32, 43, 44, 47 and 48, as amended, are therefore, not obvious in view of this combination of references and are therefore thought to be allowable.

Claims 3, 10, 25, 43 and 47 rejected as obvious under Sec. 103 (a), and hence unpatentable over Pat '830 in view of Pat '519 are also thought to be allowable over this combination of references for the same reasons set forth above for the combination of Pat '056 in view of Pat '519.

In treating with obviousness as a ground for rejecting the patentability of claims, Applicants reiterate the law as set forth in the communication filed on June 14, 2004.

Still further, if the Examiner finds that generic claims are allowable, for example, claim 4 or 23 is thought to cover all forms and species of the invention as shown and disclosed, the Examiner is respectfully requested to act on the claims which have not been elected and have been withdrawn.

Accordingly, having amended the claims now remaining in this application to overcome the objections and grounds of rejection raised by the Examiner and having distinguished these claims from the patents cited and relied on by the Examiner and in view of the cited law regarding the rejection based on "obviousness" under § 103(a), it is submitted that independent claims 4, 23 and 43, as now amended, and all the claims dependent thereon either directly or indirectly, as now amended, are allowable.

As it is believed that all of the objections and grounds of rejections set forth in the said outstanding Official Action have been fully met, favorable reconsideration is

earnestly solicited. The Examiner is respectfully requested to withdraw the FINAL REJECTION of the claims as presently presented in this application and grant the Applicants an early notice of allowance.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 12, 2004

Respectfully submitted,

By _____

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